IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2082 OF 2001

Mahaparas Textiles
and Anr. ..Applicants

Vs.

State of Maharashtra
and Ors. ..Respondents

...

Mr.N.R.Bubna Advocate for Applicants
Ms.P.H.Kantharia APP for State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : DECEMBER 3, 2007

P.C.

1. Heard the learned advocate for the applicants and the learned APP for the State.

2. The applicants are seeking quashing of process issued by the learned Judicial Magistrate F.C. Ichalkaranji in Reg.C.C.No.192 of 2000. In the said case process is issued under Sections 138 of Negotiable Instruments Act.

3. For the reasons recorded in the order passed by this Court in the case of **V.K.Jain Vs. P.V.Padode; 2005(3) Mh.L.J.778,** which has been upheld by the Hon'ble Apex Court, I am of the opinion that the

applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Application is disposed of.

[SMT.V.K.TAHILRAMANI,J.]